

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**ANNE M. SHOULTS,**

**Plaintiff,**

**v.**

**Civil Action 2:19-cv-1425  
Chief Judge Algenon L. Marbley  
Magistrate Judge Kimberly A. Jolson**

**COMMISSIONER OF  
SOCIAL SECURITY,**

**Defendant.**

**REPORT AND RECOMMENDATION**

This matter is before the Undersigned on the parties' Joint Motion for Attorney's Fees Under the Equal Access to Justice Act. (Doc. 20). The parties stipulated to an award to Plaintiff of attorney's fees in the amount of \$5,400, with no costs, "in full satisfaction and settlement" of Plaintiff's claims. (*Id.* at 1). The parties note that their stipulation "represents a compromise on disputed positions and is not intended to set precedent for, or a representation of, any specific hourly rate or total number of hours." (*Id.*).

For good cause shown, it is **RECOMMENDED** that the parties' Joint Motion be **GRANTED**. Should the Court adopt this recommendation it is further **RECOMMENDED** that:

- The Commissioner pay Plaintiff's attorney fees in the amount of \$5,400, with zero costs, for a total award of \$5,400.
- Counsel for the parties shall verify whether Plaintiff owes a preexisting debt to the United States subject to offset, consistent with *Astrue v. Ratliff*, 560 U.S. 586 (2010). If no such pre-existing debt exists, Defendant shall pay the Equal Access to Justice Act ("EAJA") award directly to Plaintiff's counsel pursuant to the EAJA assignment signed by Plaintiff and counsel.
- The civil case be terminated.

### PROCEDURE ON OBJECTIONS

If any party objects to this Report and Recommendation, that party may, within fourteen (14) days of the date of this Report, file and serve on all parties written objections to those specific proposed finding or recommendations to which objection is made, together with supporting authority for the objection(s). A District Judge of this Court shall make a de novo determination of those portions of the Report or specific proposed findings or recommendations to which objection is made. Upon proper objection, a District Judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the district judge review the Report and Recommendation de novo, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

IT IS SO ORDERED.

Date: January 12, 2021

/s/ Kimberly A. Jolson  
KIMBERLY A. JOLSON  
UNITED STATES MAGISTRATE JUDGE